

House File 922 - Introduced

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 416)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act revising the requirements for child care registration and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2242HV 82
5 jp/gg/14

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1 Section 1. CHILD CARE REGISTRATION == LEGISLATIVE INTENT.
2 It is the intent of the general assembly to improve the safety
3 and quality of home-based child care in the state by
4 increasing the number of child care providers who are required
5 to register under chapter 237A and increasing the staff and
6 resources of the department of human services committed to
7 addressing home-based child care.

1 Sec. 2. Section 237A.1, subsections 6 and 7, Code 2007,
2 are amended to read as follows:

1 6. "Child care home" means a person or program providing
2 child care to ~~five~~ three or fewer children at any one time
3 that is not registered to provide child care under this
4 chapter, as authorized under section 237A.3.

1 7. "Child development home" means a person or program
2 registered under section 237A.3A that may provide child care
3 to ~~six~~ four or more children at any one time.

1 Sec. 3. Section 237A.3, subsection 1, Code 2007, is
2 amended to read as follows:

1 1. a. A person or program providing child care to ~~five~~
2 three children or fewer at any one time is a child care home
3 provider and is not required to register under section 237A.3A
4 as a child development home.

1 b. ~~The following are not required to register as a child~~
2 development home under section 237A.3A:

1 (1) An individual providing child care in a private
2 residence to not more than five children at any one time who
3 reside in the private residence.

1 (2) A relative providing care to not more than five
2 children at any one time who are all related to the relative.

1 c. ~~However, Notwithstanding the provisions of paragraphs~~
2 "a" and "b", the person, or program, or relative may register
3 as a child development home.

1 d. ~~For the purposes of this section, "relative" means an~~
2 adult person who is one of the following relatives of a child
3 by means of blood relationship, marriage, or adoption, or is
4 the spouse of one of the following relatives: a sibling, a
5 grandparent, a first cousin, an aunt, or an uncle.

1 Sec. 4. Section 237A.3, Code 2007, is amended by adding
2 the following new subsection:

1 NEW SUBSECTION. 3. a. A child care home provider shall
2 provide information to the parents, guardians, and custodians
3 of the children receiving child care that the provider is not
4 registered as a child development home and that the number of
5 children that can be cared for at any one time by the provider
6 is limited to three or fewer.

1 b. In addition, the information shall expressly state that
2 corporal punishment by a child care home provider is
3 prohibited and list all the forms of corporal punishment
4 identified in section 237A.18. The information shall also
5 explain to the parent how to file a complaint with the
6 department against the child care home.

1 c. The information shall be provided to parents,
2 guardians, and custodians either in writing at the time of

2 19 enrollment with the provider or be conspicuously posted at the
2 20 main entrance to the child care home where it can be read by
2 21 parents and any member of the public.

2 22 Sec. 5. Section 237A.5, subsection 2, paragraph a,
2 23 subparagraph (3), Code 2007, is amended by adding the
2 24 following new subparagraph subdivision:

2 25 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been
2 26 determined through an investigation by the department of a
2 27 complaint, a child abuse assessment, or the existence of a
2 28 criminal record to have inflicted corporal punishment as
2 29 described in section 237A.18 on an individual receiving child
2 30 care from the person.

2 31 Sec. 6. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.

2 32 A person who operates, is employed by, or resides in a
2 33 child care home, child development home, or child care center
2 34 shall not inflict corporal punishment on an individual
2 35 receiving care from the child care home, child development
3 1 home, or child care center. For the purposes of this section,
3 2 "corporal punishment" includes but is not limited to spanking,
3 3 slapping, shaking, punishment which is humiliating or
3 4 frightening, using restraints, or enclosing a child in a
3 5 locked area. Such a person who has inflicted corporal
3 6 punishment on an individual receiving care from the child care
3 7 home, child development home, or child care center, as
3 8 determined through an investigation by the department of a
3 9 complaint, a child abuse assessment, or existence of a
3 10 criminal record, may be subject to prohibition of involvement
3 11 with child care in accordance with section 237A.5.

3 12 Sec. 7. WORKGROUP == CHILD CARE REGISTRATION CHANGE
3 13 IMPLEMENTATION AND EARLY CHILDHOOD SYSTEM.

3 14 1. a. The department of human services, in partnership
3 15 with the departments of education, human rights, and public
3 16 health and the Iowa empowerment board, shall jointly establish
3 17 a workgroup to address implementation of the provisions of
3 18 this Act and the issues identified in this section. The
3 19 workgroup membership shall also include representatives of the
3 20 state child care advisory council.

3 21 b. The workgroup shall submit a report with findings and
3 22 recommendations to the governor and general assembly on or
3 23 before December 15, 2007, regarding the implementation of the
3 24 provisions of this Act and other issues addressed by the
3 25 workgroup.

3 26 c. The funding transferred to the department of human
3 27 services for development and implementation of a statewide
3 28 mandatory child care registration study from the appropriation
3 29 made to the department of education in accordance with 2007
3 30 Iowa Acts, Senate File 598, if enacted, shall be used for the
3 31 workgroup's activities under this section.

3 32 2. The workgroup shall address the implementation issues
3 33 associated with the mandatory change in child care
3 34 registration made in this Act. The issues considered shall
3 35 include but are not limited to planning for the phase-in of
4 1 and costs for additional inspection visits of child
4 2 development homes, increased expense for state child care
4 3 assistance slots, state child care assistance reimbursement
4 4 methodologies to reward quality, and other implementation
4 5 issues.

4 6 3. The workgroup shall cooperate with early childhood
4 7 stakeholders and the private sector in addressing the many
4 8 publicly supported programs and services directed to early
4 9 childhood and issues involved with redirecting the programs
4 10 and services to be part of a cohesive child care system. The
4 11 issues addressed shall include professional development of
4 12 workers, improving workforce, ensuring articulation between
4 13 programs, meeting the needs of both children and parents,
4 14 enhancing community engagement to support early childhood, and
4 15 other efforts to address early childhood needs with a
4 16 coordinated system.

4 17 Sec. 8. EFFECTIVE DATE == IMPLEMENTATION.

4 18 1. The following provisions of this Act take effect
4 19 October 1, 2008:

4 20 a. The provision amending section 237A.1, subsections 6
4 21 and 7.

4 22 b. The provision amending section 237A.3, subsection 1.

4 23 2. The department shall adopt administrative rules, assist
4 24 child care providers, and expand staffing to support the
4 25 implementation of the change in the numbers of children for
4 26 which child care homes and child development homes may provide
4 27 child care on October 1, 2008, as provided in this Act, in
4 28 accordance with the funding made available for that purpose.

4 29 EXPLANATION

4 30 This bill revises the requirements for child care
4 31 registration administered by the department of human services,
4 32 prohibits persons providing either regulated or unregulated
4 33 care from inflicting corporal punishment, and provides for the
4 34 creation of a workgroup to address implementation of the
4 35 bill's changes and issues associated with developing a more

5 1 cohesive child care system.

5 2 An intent section explains that the general assembly is
5 3 seeking to improve the safety and quality of home-based child
5 4 care by increasing the number of providers who are required to
5 5 register and the resources available to the department to
5 6 address home-based child care.

5 7 Current law in Code section 237A.3 allows a person or
5 8 program providing child care to five children or fewer at any
5 9 one time to operate as a child care home without registering
5 10 with the department as a child development home. Effective
5 11 October 1, 2008, the bill reduces this number to three
5 12 children or fewer at any one time but allows two exceptions.
5 13 A relative may provide child care to not more than five
5 14 related children at any one time. An individual may provide
5 15 child care in a private residence to not more than five
5 16 children who reside in that residence. Conforming amendments
5 17 are included in the relevant definitions in Code section
5 18 237A.1.

5 19 Effective July 1, 2007, an unregistered child care home
5 20 provider is required to disclose to the parents, guardians,
5 21 and custodians of the children receiving child care that the
5 22 provider is not registered and that the number of children who
5 23 may receive child care at any one time is limited. The
5 24 information is also required to provide information that
5 25 corporal punishment by the provider is prohibited. The
5 26 information is required to be distributed and posted.

5 27 New Code section 237A.18 defines the term "corporal
5 28 punishment", prohibits any person providing child care or
5 29 living where child care is provided from inflicting corporal
5 30 punishment on children receiving care, and states that such a
5 31 person who inflicts corporal punishment may be prohibited from
5 32 involvement with child care. The Code section takes effect
5 33 July 1, 2007.

5 34 The department of human services is required to establish a
5 35 workgroup jointly with the departments of education, human
6 1 rights, and public health and the Iowa empowerment board to
6 2 address issues associated with the bill's changes to child
6 3 care registration and corporal punishment requirements and on
6 4 issues associated with redirecting programs and services to be
6 5 part of a cohesive child care system. The workgroup is also
6 6 required to include representatives of the state child care
6 7 advisory council. For its work on the cohesive system, the
6 8 workgroup is required to include early childhood stakeholders
6 9 and the private sector. Funding for the workgroup is included
6 10 in 2007 Iowa Acts, Senate File 598, the education
6 11 appropriations bill. The workgroup is required to report to
6 12 the governor and general assembly on or before December 15,
6 13 2007.

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